1	EDMUND G. BROWN JR., Attorney General of the State of California	
2	JOSE R. GUERRERO Supervising Deputy Attorney General	
3	VIVIEN H. HARA, State Bar No. 84589 Deputy Attorney General	
4	California Department of Justice 455 Golden Gate Ave., Suite 11000	
5	San Francisco, CA 94102 Telephone: (415) 703-5513	
6	Facsimile: (415) 703-5480	
7	Attorneys for Complainant	
8	BEFORE THE PHYSICAL THERAPY BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS	
9		
10	STATE OF CAL	
11	In the Matter of the Accusation Against:	Case No. 1D 2006 64545 OAH No.
12	JOHN KAVAYIOTIDIS, P.T. 39201 State Street	
13	Fremont, CA 94538	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER
14	Physical Therapist License No. PT 9250	
15	Respondent.	
16		
17	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the	
18	above-entitled proceedings that the following matter	s are true:
19	<u>PARTIES</u>	
20	1. Complainant Steven K. Hartzell is the Executive Officer of the Physical	
21	Therapy Board of California. He brought this action solely in his official capacity and is	
22	represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,	
23	by Vivien H. Hara, Deputy Attorney General.	
24	2. Respondent John Kavayiotidis, P.T. is represent by Charles Bond, Esq., of	
25	Physicians' Advocates, 821 Bancroft Way, Berkeley, CA 94710.	
26	3. On or about August 15, 1879, the Physical Therapy Board of California	
27	issued Physical Therapist License No. PT 9250 to John Kavayiotidis ("respondent"). This license	
28		
20	//	

was in full force and effect at all times relevant to this action and will expire on November 30, 2008, unless renewed.

<u>JURISDICTION</u>

4. Accusation No.1D 2006 64545 was filed before the Physical Therapy Board of California, Department of Consumer Affairs ("Board"), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 1D 2006 64545 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read and fully understands the charges and allegations in Accusation No. 1D-2006-64545. Respondent has also carefully read and fully understands the effects of this Stipulated Settlement and Disciplinary Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily and knowingly waives and gives up each right set forth above.

ACKNOWLEDGMENT

8. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, respondent agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below, without admitting the validity of the Accusation or any allegation made therein.

28 //

RESERVATION

9. Any admissions, express or implied, made by respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Physical Therapy Board of California, or other professional licensing agency is involved, and shall not be admissible in any criminal or civil proceeding, state or federal, for any purpose, including but not limited to, use as collateral estoppel or *res judicata*.

CONTINGENCY

- Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by respondent. By signing the stipulation, respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. In consideration of the foregoing stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that respondent John Kavayiotidis, holder of Physical Therapist License No. PT 9250, shall be publicly reproved by the Physical Therapy Board of California and shall comply with the following terms and conditions. A copy of the //

1	public reproval is attached as Exhibit B and is incorporated herein by reference as if fully set	
2	forth.	
3	A. <u>COST RECOVERY</u> . Respondent is ordered to reimburse the Board the	
4	actual and reasonable prosecutorial costs in this matter of \$10,000.00 within ninety (90) days o	
5	the effective date of the decision. Respondent's failure to pay the ordered reimbursement, or an	
6	agreed upon payment, may constitute a violation of this order.	
7	B. <u>PRACTICE OR PERFORMANCE OF PHYSICAL THERAPIST</u>	
8	<u>DUTIES WHILE SUBJECT TO PUBLIC REPROVAL</u> . It is not contrary to the public interest	
9	for Respondent to practice and/or perform his duties as a physical therapist after issuance of the	
10	public reproval. Accordingly, it is not the intent of the Board that this order or the fact that	
11	Respondent has been publicly reproved shall be used as the sole basis for any third party payor to	
12	remove respondent from any list of approved providers.	
13	C. <u>FAILURE TO COMPLY WITH ORDER</u> . A material breach by	
14	Respondent of this order shall constitute unprofessional conduct and shall be a basis for further	
15	disciplinary action by the Board. In such circumstances, Complainant may reinstate the	
16	Accusation in Case No. 1D 2006 64545, file an amended accusation, and/or file a supplemental	
17	accusation alleging any material breach of this order by respondent as unprofessional conduct.	
18	ACCEPTANCE	
19	I have carefully read the above Stipulated Settlement and Disciplinary Order and	
20	have fully discussed it with my family and other advisors. I understand the stipulation and the	
21	effect it will have on my Physical Therapist License. I enter into this Stipulated Settlement and	
22	Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the	
23	Decision and Order of the Physical Therapy Board of California.	
24	DATED: <u>April 8, 2008</u>	
25		
26	Original Signed By:	
27	JOHN KAVAYIOTIDIS, P.T. Respondent	
28	//	

1	I have fully read and discussed with respondent John Kavayiotidis, P.T. the	
2	provisions of this Stipulation. I approve its form and content.	
3	DATED: <u>April 14, 2008</u>	
4		
5	Original Signed By: CHARLES BOND, ESQ.	
6	Physicians' Advocates	
7	Attorneys for Respondent	
8		
9		
10	<u>ENDORSEMENT</u>	
11	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully	
12	submitted for consideration by the Physical Therapy Board of California of the Department of	
13	Consumer Affairs.	
14		
15	DATED: <u>April 15, 2008</u>	
16	EDMUND G. BROWN JR., Attorney General of the State of California	
17		
18	Original Signed By:	
19	VIVIEN H. HARA Deputy Attorney General	
20	Attorneys for Complainant	
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2223		
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Exhibit A Accusation No. 1D 2006 64545

Exhibit B

Public Reproval Case No. 1D 2006 64545

BEFORE THE PHYSICAL THERAPY BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against: JOHN KAVAYIOTIDIS, P.T. Physical Therapist License No. PT 9250 Respondent.	Case No. 1D 2006 64545 OAH No.			
DECISION AND ORDER				
The attached Stipulated Settlement and Disciplinary Order is hereby				
adopted by the Physical Therapy Board of California, Department of Consumer Affairs,				
as its Decision in this matter.				
This Decision shall become effective on June 5, 2008				
It is so ORDERED <u>May 6, 2008</u> .				
Original Signo PHYSICAL T DEPARTME	ed By: THERAPY BOARD OF CALIFORNIA NT OF CONSUMER AFFAIRS			